



State of Connecticut
HOUSE OF REPRESENTATIVES
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE STEVEN T. MIKUTEL
45TH ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING
ROOM 4051
HARTFORD, CT 06106-1591
HOME: (860) 376-4615
CAPITOL: (860) 240-8585
E-MAIL: Steve.Mikutel@cga.ct.gov

VICE CHAIRMAN
TRANSPORTATION COMMITTEE

MEMBER
EDUCATION COMMITTEE
PUBLIC SAFETY AND SECURITY COMMITTEE

Good Afternoon Senators Coleman, Kissel and Doyle
Representative Fox, Hetherington and Winfield and members of the Judiciary
Committee. I am State Representative Steve Mikutel. I am here to testify in strong
opposition to HB's 1035 and 6425 and I am in support of HB's 6427 and 6439.

With respect to HB 1035 and 6425, it needs to be made perfectly clear that there is no
mandate from the people of Connecticut to abolish capital punishment. On the contrary,
there is widespread public support for it in our state. Which begs the question why this
committee is raising bills of this nature? It sends the wrong message to the wrong people
at the wrong time.

This latest attempt to abolish capital punishment subverts the will of the people, thereby
further eroding their faith in this democratic institution. It makes a strong case for a
constitutional amendment to allow direct initiative petitions by citizens.

Nearly 70% of Connecticut residents support capital punishment because the arguments
in its favor are far stronger than those that advocate abolishment. Unfortunately, the
arguments for abolishing capital punishment in our state have been dominated by
misinformation coming out of anti-death penalty movement. Their main argument – that
the death penalty is not a deterrent – is contradicted by the research. And their other
main arguments – such as an innocent person may be executed – have no validity in
Connecticut.

The Chief State's Attorney, in testimony before this committee in 2009, said and I quote,
"There are numerous studies published in peer-reviewed journals establishing that
executions do deter the crime of murder." A series of academic studies over the last 6
years concluded that between 3 and 18 lives would be saved by the execution of each
convicted killer.

Executions save lives! Period. Our choice is to spare the lives of those who have committed the most horrendous crimes and to, thereby, sacrifice the lives of the innocent or to execute them and to, thereby spare the lives of the innocent.

But for me and many citizens of Connecticut, the case for the death penalty doesn't rest on the concept of deterrence, but on the moral grounds of justice. This penalty is the just and appropriate societal response for specific crimes, the most brutal and horrible and premeditated of murders, such as those committed by serial killer Michael Ross and Cheshire home invasion murderer Steven Hayes.

For justice to exist, the punishment must fit the crim. If human life is the ultimate value in our society, then murder must rank as the most heinous of crimes and those that commit it should receive the ultimate penalty. To quote Dr. Petit when he testified before this committee in 2009, "My family gets the death penalty and you want to give murderers life. That is not justice".

When debating the death penalty, it is important to focus attention on Connecticut, not states where problems existed. Connecticut administers capital punishment fairly, with restraint and with ever possible safeguard to assure that the innocent is protected while the guilty are held accountable. No reasonable person disputes the guilt of any of the persons currently on death row in Connecticut. Death sentences are rare in our state and limited to those who commit unspeakable horrors.

What the people of our state cannot understand is why it takes 15 years to execute a serial killer like Michael Ross. Instead of taking Connecticut citizens down a road they would rather not go, this committee should give the people what they really want – a workable death penalty – one that results in the timely execution of society's worst human rights violators. To this end, I urge the Committee to support HB's 6427 and 6439. Passage of these bills into law will serve to speed up the post-conviction process in death penalty cases by requiring a state habeas corpus petition be filed within a specific period of time

Speeding up the post conviction process will serve two worthy goals – it would enhance the deterrent value of capital punishment (and thus save even more innocent lives) and it would serve the interests of justice because justice delayed is justice denied.

When the death penalty becomes more real, murderers and would be murderers will fear it even more. Although you will never deter all murderers, the effect of deterrence will rise as the probability of executions rise, because, as the probability of execution rises, the fear of the punishment will also rise.

As for LWOP, it desecrates life merely to deprive someone of liberty for murder. Prison is no moral substitute for capital punishment for the likes of those who reside on Connecticut's death row. They live better than many homeless people.

There are other problems with LWOP. With no death penalty and only life, there is no deterrent for LWOP inmates killing or seriously injuring others while in prison, which is not a rare event. They would in effect have a free pass to kill and maim again and again.

But the most fundamental problem with LWOP is that the same activists who don't like the death penalty don't really like long prison sentences either. (1.6) If the death penalty is abolished, this will quickly become obvious. Many believe this will become the next rallying cry of the anti-death penalty movement. Some of them have already laid the groundwork for this. Abolishing LWOP would, in their eyes, be justified from the point of view that murderers deserve to be re-educated and re-habilitated and the LWOP constitutes "cruel and unusual" punishment.

Sound Familiar?

If HB 6425 becomes law, any jury that sentences a murderer to life really has no guarantee that the offender will remain in prison. If a liberal legislature or activist court decides life in prison is "inhumane", the murderer will go free.

HB 6425 is also deceiving. It would have one believe that we are abolishing the death penalty for future capital felonies only, but in actuality it would eliminate the death penalty for everyone on death row, including the Cheshire home invasion killers.

The Chief State's Attorney stated as such when he testified on a similar bill before this committee in 2009. I quote, "The bill (6578) purports to abolish the death penalty only for capital felonies committed after its effective date. That is fiction. In reality it would effectively abolish the death penalty for anyone who has not been executed because it would be untenable as a matter of constitutional law or public policy for the state to execute someone today who could not be executed for committing the same conduct after a date in the future."

So what is the real motivation behind this bill? If it is the intent of the Committee to abolish the death penalty, then be up front about it so we can have an honest debate about it.

Thank you.

Steven Mikutel
State Representative